

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PHOENIX BOND & INDEMNITY CO., et al.)	
)	
Plaintiffs,)	
)	
vs.)	
)	
JOHN BRIDGE, et al.,)	Case No. 05 C 4095
)	
Defendants.)	
)	Consolidated with
)	Case No. 07 C 1367
<hr style="width: 45%; margin-left: 0;"/>		
BCS SERVICES, INC., et al.)	Judge Matthew F. Kennelly
)	
Plaintiffs,)	
)	
vs.)	
)	
HEARTWOOD 88, LLC, et al.)	
)	
Defendants.)	

**PLAINTIFFS' MOTION TO SUBSTITUTE BONNIE J. GRAY,
INDIVIDUALLY, AS ESTATE REPRESENTATIVE AND AS TRUSTEE, AS
DEFENDANT IN PLACE OF DECEASED DEFENDANT DAVID R. GRAY**

Plaintiffs Phoenix Bond & Indemnity Co. and BCS Services, Inc. (collectively "Plaintiffs"), by their undersigned attorneys, pursuant to Rule 25(a) of the Federal Rules of Civil Procedure, respectfully requests that the Court substitute Bonnie J. Gray, individually, as Estate Representative, and as Trustee, as defendant in place of deceased defendant David R. Gray. In support of this motion, Plaintiffs state as follows:

1. David R. Gray, named as a defendant in Case No. 07 C 1367, is now deceased.
2. According to the copy of the Will of David R. Gray ("the Will") provided to Plaintiffs' counsel by Mr. Gray's counsel in this matter, Bonnie J. Gray is named as the initial Executor of the Will. Upon information and belief, the Will has not been admitted to probate.

3. The Will also provides that much of Mr. Gray's estate, defined in the Will as the "residuary estate," is to be given, devised and bequeathed to the David R. Gray Revocable Trust dated September 14, 1995, as amended (the "Trust"). In addition, it is likely that Mr. Gray transferred assets to the Trust before his death. The Will further provides that the Executor of the Will may seek reimbursement from the Trust for claims to the extent the probate estate is insufficient.

4. According to the portion of the Amendment and Restatement to Trust Agreement Establishing David R. Gray Revocable Trust (the "Trust Agreement") provided by Mr. Gray's counsel, Bonnie J. Gray is the successor Trustee of the Trust.

5. Pursuant to Rule 25(a), which provides for the substitution of parties following the death of a party, Plaintiffs now request that the Court substitute Bonnie J. Gray, individually, as Representative of Mr. Gray's estate, and as Trustee of the Trust, as a defendant in this matter in the place of her deceased husband, David R. Gray.

6. At the initial status hearing before the Court on June 22, 2011, counsel for Mr. Gray represented to the Court that he had no objection to the substitution.

WHEREFORE, Plaintiffs Phoenix Bond & Indemnity Co. and BCS Services, Inc. respectfully request that the Court substitute Bonnie J. Gray, individually, as Representative of the Estate of David R. Gray, and as Trustee of the David R. Gray Revocable Trust dated September 14, 1995, as amended, as a defendant in place of David R. Gray and for such other relief as the Court deems appropriate.

Dated: July 6, 2011

Respectfully submitted,

PLAINTIFFS BCS SERVICES, INC.
and PHOENIX BOND & INDEMNITY CO.,

By: /s/ Jonathan S. Quinn
One of Their Attorneys

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CERTIFICATE OF SERVICE

I, Jonathan S. Quinn, state that on July 6, 2011, I electronically filed the foregoing PLAINTIFFS' MOTION TO SUBSTITUTE BONNIE J. GRAY, INDIVIDUALLY, AS ESTATE REPRESENTATIVE, AND AS TRUSTEE, AS DEFENDANT IN PLACE OF DECEASED DEFENDANT DAVID R. GRAY with the Clerk of the Court using the ECF system which will send notification to all parties.

/s/ Jonathan S. Quinn
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